

## SHELDON &amp; MAK

ATTORNEY DOCKET NO.: 13288-1

## Unit d Stat s Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: "Percutaneous Vertebral Fusion System."

The specification of which

a.  is attached hereto

b.  was filed on \_\_\_\_\_ application serial no. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. \_\_\_\_\_ filed \_\_\_\_\_ and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a.  no such applications have been filed.

b.  such applications have been filed as follows:

## PROVISIONAL APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119(e)

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
60/213,385	23 June 2000	Pending

## ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, §120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

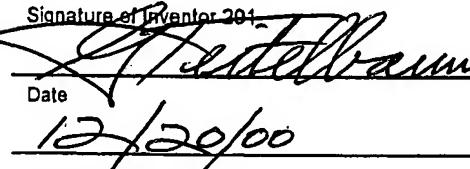
David A. Farah, Reg. No. 38,134; Jeffrey G. Sheldon, Reg. No. 27,953; Denton L. Anderson, Reg. No. 30,153; Danton K. Mak, Reg. No. 31,695; Lena A. Basile, Reg. No. 44,026; Robert J. Rose, Reg. No. 47,037; Anthony G. Vella, Reg. No. 47,152; James W. Collett, 46,636 and Gary F. Wang, Reg. No. 44,392.

I hereby authorize them to act and rely on instructions from and communication directly with the person/assignee/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Sheldon & Mak to the contrary.

Please direct all correspondence in this case to Sheldon & Mak at the address indicated below:

Sheldon & Mak  
c/o David A. Farah, M.D.  
225 South Lake Avenue, 9th Floor  
Pasadena, California 91101  
Telephone No. (626) 796-4000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature of Inventor 201 		Signature of Inventor 202			Signature of Inventor 203
Date 12/20/00	Date				Date

For Additional Inventors:

- Indicate here and attach sheet with same information, including date and signature.